

## REMARKS/ARGUMENTS

In the Office Action mailed August 1, 2006, Claims 1-20 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention; Claims 1, 3-5, and 9-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,847,389 issued to Mertins et al. ("*Mertins*"); and Claims 1 and 2 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2001/0045512 A1 of Brent ("*Brent*"); Claims 6 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mertins; and, Claims 7, 8 and 14-20 have been objected to as being dependent upon a rejected base claim, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant thanks the Examiner for the indication of allowable subject matter.

By this Reply, Claims 1 and 9 have been amended and no claims have been added or canceled. As such, Claims 1-20 are pending in this application.

### Claim Rejections Under § 112 ¶2

Claim 1 has been amended to more particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. As such, the Applicant respectfully submits that amended Claim 1 is now in condition for allowance and requests that the rejection of Claim 1—and all claims ultimately dependent thereon—be removed.

### Claim Rejections Under § 102 Based on *Mertins*

The Applicant's present invention is generally directed to painting systems operating at high voltages, and in particular to a device for supplying electrical power to a sensor utilized in the painting system. The device includes a light source biased at a low electrical potential that is substantially equal to ground—the earth's electrical potential. A light receiver includes a converter for converting light energy into electrical power and is electrically coupled to the sensor. The light receiver and the sensor have substantially the same high electrical potential with respect to that of the light source. An optical waveguide operatively connects the light source to the light receiver.

In short, the light radiated by the light source of the present invention is converted into electrical power for ultimately powering the sensor.

In contrast to the Applicant's claimed invention, *Mertins* is directed to a seed monitoring system for counting seeds as they are dispensed through seed tubes in an air seeding system. A radiation detector 148 with a photodiode array 150 detects incoming optical signals from a radiation source 142, thereby counting the seeds 18 as they pass.

Although *Mertins* discloses use of radiant light and its conversion into a signal for output to a signal processing unit of a microcontroller—see *Mertins*, col. 9, line 14 to col. 10, line 40; Figures 8 and 9—*Mertins* fails to disclose a sensor biased at a high electrical potential, wherein radiant light is converted to electrical power and supplied to the sensor.

Therefore, *Mertins* fails to disclose each and every element of the Applicant's amended Claim 1, and as such, fails to anticipate the Applicant's claimed invention.

In response to the Examiner's position that the claim's intended use in a painting system is afforded no patentable weight, the Applicant respectfully submits the phrase "in painting systems" is relevant to one of ordinary skill in the art as an indication of the order of magnitude of electrical voltage that is utilized. For example, 100 volts would be considered as high voltage in a microprocessor environment; 1,000 volts would be considered as high voltage in a home; and yet 10,000 volts may be considered too low for a painting system. Therefore, the expression "high voltage" is more clearly defined by the phrase "in painting systems."

For at least the reasons that *Mertins* fails to disclose a sensor at a high electrical potential, the conversion of radiant light into electrical power, or the use of that power to supply the sensor; the Applicant respectfully submits that *Mertins* fails to disclose each and every element of amended Claim 1—and all claims ultimately dependent thereon. Therefore, the Applicant respectfully submits that the pending claims are now allowable and requests that the rejections to the claims be removed.

#### Claim Rejections Under § 102 Based on *Brent*

*Brent* is directed to a perimetric detection system and automated container for optically detecting things, e.g., containers. Similar to the shortcomings of *Mertins*, *Brent* also fails to disclose each and every element of the Applicant's claimed invention. That is, *Brent* fails to disclose, at least, a sensor at a high electrical potential, the conversion of radiant light into electrical power, or the use of that power supplied to the sensor.

Based on at least the above reasoning, the Applicant respectfully submits that amended Claim

1—as well as Claims 2-20 by virtue of their ultimate dependence there from—should be allowed over *Brent*. As such, the Applicant respectfully submits that the pending claims are now allowable and requests that the rejections to the claims be removed.

#### Claim Rejections Under § 103 Based on Mertins

As shown above, *Mertins* is directed to a seed monitoring system that does not utilize high voltage. As pointed out in the application's specification, several difficulties can be encountered while operating in a high voltage realm; namely, providing long-lasting electrical power to devices operating at a high voltage potential. As one might expect, because the seed monitoring system disclosed in *Mertins* does not operate in the high voltage realm, there is no disclosure addressing or considering such issues. Similarly, there is no teaching or suggestion to modify within *Mertins* disclosing—at least—a sensor at a high electrical potential, the conversion of radiant light into electrical power, or the use of that power to supply the sensor.

Consequently, *Mertins*—alone or in combination with the cited prior art—fails to render Applicant's amended Claim 1 obvious under 35 U.S.C. § 103. Therefore, the Applicant respectfully requests that the rejection of Claims 5 and 6—which ultimately depend on amended Claim 1—be removed and these claims be allowed to issue.

#### Amendments to Claim 9

The Applicant has amended Claim 9 to depend on Claim 2 and as such, Claims 9-12 are no longer duplicative of Claims 3-6. The Applicant respectfully submits that Claim 9, as well as dependent Claims 10-12, are now in condition for allowance.

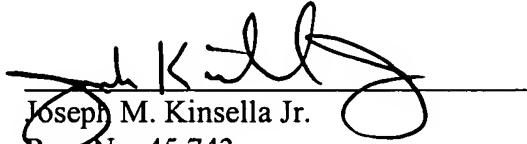
### CONCLUSION

In view of the above amendments and remarks, the Applicant respectfully requests that all pending claims be passed to issue.

Applicant believes that no fees are required, however if any fees are required, they may be paid out of our Deposit Account No. 50-0545.

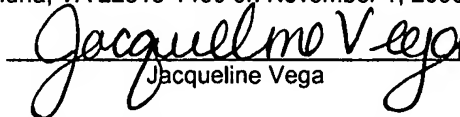
Respectfully Submitted,

Dated: November 1, 2006

  
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#### **CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 1, 2006.

  
Jacqueline Vega